

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, April 19, 2010 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, B. Pociask (7:02), B. Ryan
Members absent: J. Goodwin, P. Plante
Alternates present: F. Loxsom, K. Rawn, V. Stearns (7:02)
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed alternates Loxsom and Stearns to act in the absence of Goodwin and Plante.

Minutes:

4-5-10- Hall MOVED, Ryan seconded, to approve the 4/5/10 minutes as written. MOTION PASSED with all in favor except Stearns and Loxsom who disqualified themselves.

4-14-10- Hall MOVED, Beal seconded, to approve the 4/14/10 field trip minutes as written. MOTION PASSED with Beal, Favretti, Hall and Holt in favor and all others disqualified.

Zoning Agent's Report:

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch stated that he has issued Hall a Notice of Assessment, adding that the next step is to file on his deed in the Land Records the amount owed in fines, and then begin working with the Town Attorney to file a lawsuit.

Hirsch noted that he and the Chairman signed off on a modification at Southeast Park for a scoreboard at the field, and one at Hunting Lodge Apartments for a basketball and volleyball court.

New Business:

4. Modification Request -Proposed Office, Motor Vehicle Driving School, 699 Storrs Rd, File #554-3

Holt MOVED, Ryan seconded, that the PZC approve the 4/12/10 Request for Modifications by Maximo Garcia for driver's education classroom instruction, as submitted and described by the applicant with the condition that class size is limited to a maximum of ten students and that if the Zoning Agent determines that the existing parking is insufficient for the combined uses of the site, class size shall be reduced or additional parking spaces shall be proposed and reviewed and approved by the PZC. MOTION PASSED UNANIMOUSLY.

5. Request for Utility Work within Conservation Easement Area, Adeline Place, File #1187

Hirsch's memo was discussed. Concern was expressed about setting a precedent if approval were granted.

Beal MOVED, Pociask seconded, that the PZC approve the 4/14/10 request of Pine Grove Estates, LLC to perform the described work within a conservation easement area as shown on the submitted plan and that the disturbed area be restored with a vegetative ground cover satisfactory to the Zoning Agent.

Hall MOVED, Holt seconded to table the motion. MOTION FAILED with Hall, Holt and Stearns in favor of tabling, and all others opposed. After discussion, members determined that the change would not create any significant impact. MOTION on the floor moved by Beal, seconded by Pociask, PASSED with all in favor except Hall who was opposed. Favretti then asked the Director of Planning to investigate the possibility of charging fines when regulations are violated without

modification approval.

Public Hearing:

Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, B. Kielbania o/a, File #1292

Chairman Favretti opened the Public Hearing at 7:35 p.m. Members present were Favretti, Beal, Hall, Holt, Lewis, Pociask, Ryan and alternates Loxsom, Rawn and Stearns. Favretti appointed Loxsom and Stearns to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 4/6/10 and 4/14/10 and noted the following communications distributed to all members of the Commission: a 4/15/10 report from G. Padick, Director of Planning; a 4/15/10 report from G. Meitzler, Assistant Town Engineer; a 4/5/10 report from J. Jackman, Fire Marshall; and a 4/6/10 report from the Agriculture Committee.

The applicant's representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, distributed revised plans dated 4/19/10. Wentworth reviewed the changes to the plans based on staff comments, and discussed the reduction in driveway widths with a one-way traffic flow and elimination of the second easterly driveway exit. Wentworth noted that the farm stand will be open three days a week, from April to December (based on demand). There is a stone wall under construction along the western front boundary of the property, to then be supplemented by evergreen trees and shrubs, to act as a landscape buffer for the abutting neighbor to the west.

Members raised questions regarding the traffic, road conditions, sight lines, winter parking, handicapped signage and accessibility, parking layout, hours of operation, lighting and products that are to be sold.

Chairman Favretti opened the discussion for members of the public.

Raluca Mocanu, 253 Maple Road, asked the applicant to explain how this proposal will be sustainable, environmentally safe and what will be grown on site. She also referenced comments from Bill Palmer of the Agriculture Committee and his concern that the agricultural deed covenant be upheld. (To clarify this point, Wentworth submitted a 2-19-10 email correspondence from J. Dippel, Director Farmland Preservation Program, Connecticut Department of Agriculture.)

Gus Loukas, Browns Road, the abutter to the west, expressed concern for the value of his property, traffic, parking and the safety of his children noting the proximity of his property to the barn and driveway entrance. He stated that when the former owner opened his corn maze to the public, there were cars parked along the road, in his driveway and on his lawn. Often cars would turn around in his driveway, making it unsafe for his children to play there.

Edward Weiser, member of the Agriculture Committee, feels that the type and quantity of product that can be brought in from off-site should be clearly defined. He wanted to know which of Kielbania's fields will be actively cultivated this year and in the future.

There were no further comments or questions from the Commission or the public. Holt MOVED, Hall seconded, to continue the public hearing until 5/3/10. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs

Item tabled, pending a public hearing scheduled for 5/3/10.

2. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, dated 4/14/10, regarding:

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Padick referenced his 4/15/10 memo and reviewed in detail the associated 4/14/10 draft revisions. Holt MOVED, Hall seconded, that a public hearing be scheduled for June 7, 2010 to hear comments on the attached 4/14/10 draft revisions to the Zoning Map and Zoning and Subdivision Regulations. The draft regulations shall be specifically referred to the Town Attorney, WINCOG Regional Planning Commission, the adjacent municipalities, Town Council, Zoning Board of Appeals, Conservation Commission, Open Space Preservation Committee, Agriculture Committee and Design Review Panel.

MOTION PASSED UNANIMOUSLY.

New Business:

1. 8-24 Referral, 2010-11 Capital Improvement Budget

Ryan MOVED, Holt seconded, that the PZC approve, subject to the condition below, the proposed 2010-11 Capital Improvement Program.

Several items are land-use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land-use projects coordinate plans with the Director of Planning and Inland Wetlands Agent and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval.

The PZC also recommends that the Town Council include in the 2010-11 Capital Improvement Budget funding for open space acquisition and management. MOTION PASSED UNANIMOUSLY.

2. Request to Extend Special Permit Approval, Gibbs Oil Company, 9 Stafford Rd, PZC File #404-3

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission approve a third extension of the period of time to begin construction of the Gibbs Expansion Project on property located at 9 Stafford Road. The new date to begin construction is October 1, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.

3. Request to Extend Special Permit Approval, St. Paul's Collegiate Church, 1768 Storrs Rd, File #1275

Holt MOVED, Hall seconded, that the Planning and Zoning Commission approve an extension of the period of time to begin construction of the expansion at St. Paul's Collegiate Church on property located at 1768 Storrs Road. The new date to begin construction is May 7, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

None noted.

Communications and Bills:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Katherine Holt, Secretary